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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/882,212	06/15/2001	Todd J. Muhlestein	2657	8454

27727 7590 05/29/2003
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EXAMINER

SUKMAN, GABRIEL S

ART UNIT	PAPER NUMBER
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3641

DATE MAILED: 05/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/882,212

Applicant(s)

MUHLESTEIN, TODD J.

Examiner

Gabriel S. Sukman

Art Unit

3641

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-10 and 12-17 is/are rejected.
- 7) ☒ Claim(s) 2 and 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 05 February 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on 5 February 2003 have been approved. A proper drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The correction to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-10, and 12-17 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,972,619 to Eckert.

Eckert clearly discloses all of the limitations of claim 1 including an elongated member extending down from a firearm (as shown in figure 3; made up of threaded shanks 19a and 20a, and turnbuckle, 21) that is pivotally connected to the firearm through the pivoting connection made up of upper hook 20 and hook boss 18a. The elongated member also includes a base member adapted for placement on a support surface (hook 19 and hook boss 18) and a turnbuckle that adjustably connects the connector assembly to the base member that shortens and lengthens depending on the direction of rotation as claimed (col. 4, lines 50-55).

Claim 3 is clearly anticipated by Eckert since the connector assembly comprises a pivot joint (hook 20 and boss 18a).

Claim 4 is clearly anticipated by figure 5 of Eckert in view of the pivoting attachment at the connection point of the hook 20 and boss 18a as well as the connection point of the boss 25 and hinge bearing 15.

Claim 5 is anticipated by Eckert as well. As can be seen in figure 5 of Eckert, the connector assembly includes an arm (the portion of platform 27 extending from boss 18a to boss 25), is seen in the figure to extend away from the turnbuckle at an angle to the axis of the elongated member.

Claim 6 is clearly anticipated by figure 5 of Eckert since the angle formed between the angled arm and the axis of the elongated member is clearly within the range of 30-50 degrees.

Claim 7 is clearly anticipated by the invention of Eckert.

Claim 8 is clearly anticipated by the turnbuckle disclosed by Eckert.

Claim 9 is clearly anticipated by the invention of Eckert as per the discussion regarding claim 1.

Claim 10 is clearly anticipated by Eckert.

Claim 12 is clearly anticipated by Eckert.

Claim 13 is clearly anticipated by Eckert as per the discussion regarding claim 4.

Claim 14 is anticipated by Eckert as well as per the discussion regarding claim 5.

Claim 15 is anticipated by Eckert as per the discussion regarding claim 6.

Claim 16 is anticipated by Eckert as well since the curved hook (20 in figure 3) at the end of the shank (20a) of the elongated member (made up of shanks 20a and 19a and turnbuckle 21) is a curved arm with a first end attached to the turnbuckle (21) and a second end that extends away from the axis of the elongated member (the curved part is seen in figure 3 to extend away from the axis of the elongated member at least at the point at which the hook 20 meets the shank 20a).

Claim 17 is clearly anticipated by Eckert in view of the pivotal joint between the hook (20) and the hook boss (18a).

Allowable Subject Matter

Claims 2 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments, see pages 8 and 9 of the response, filed 5 February 2003, with respect to the rejection(s) of claim(s) 1-16 under 35 U.S.C. 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of U.S. Patent No. 4,972,619 to Eckert as per the discussions above.

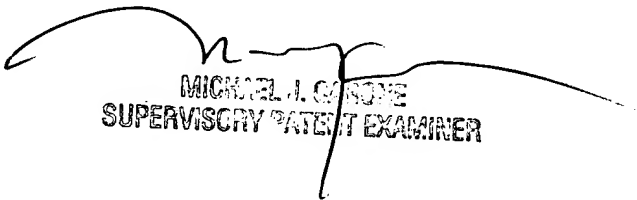
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gabriel S. Sukman whose telephone number is (703) 308-8508. The examiner can normally be reached on M-F, 8:30-5:00, every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael J Carone can be reached on (703) 306-4198. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-4180.

gss
May 20, 2003



MICHAEL J. CARONE
SUPERVISORY PATENT EXAMINER